

Federal Trade Commission

Title: Notice of Proposed Rulemaking, Request for Comment

Subject Category: Trade Regulation Rule on Telemarketing Sales

Docket Id: RIN 3084-0098

CFR Citation: 16 CFR Part 310

Comments: Prerecorded message EBR Telemarketing, Project No. R411001

We would first like to commend the FTC for recognizing the disparity between its TSR and the FCC's Telemarketing Rules that have been in place since the early 1990, which has allowed exemptions to prerecorded messages where an existing business relationship is in place. We feel the TSR is working well and will continue to omit the abusive telemarketing practices in which it was intended however due to having no current exemption for the use of prerecorded messaging we strongly feel the TSR will deprive numerous upstanding corporations from utilizing this form of customer centric communication that is accepted wildly by customers and ultimately is currently creating new jobs across the country. We are in support of the FTC's proposed rule change regarding customers being able to get pre-recorded messages from businesses with which they have a relationship. We have found that customers think it is great that they have received reminders from their accountant, insurance company, internet provider, Credit Card company about possible fraud, doctor, and other favorite stores, but we've also concluded they would rather not have to sign another form just to be reminded.

Broadcast Solutions has many Fortune 500 clients that utilize the customer centric communication of prerecorded messaging. We only call existing customers, we allow the phone to ring for 15 seconds or 4 rings, within 2 seconds after the called parties greeting we begin to play the prerecorded message, we promptly disclose who is calling and the purpose of the call, and within the short prerecorded message we always provide the customer the ability to easily transfer directly to the company calling via pressing a button on their phone and a phone number in which the customer can reply at their convenience. This gives the customer the ability to respond to the message or easily opt out of any future prerecorded messages. We have always followed the Telemarketing Rules of the early 1990s and are in favor of the TSR mirroring those rules to provide a consistent message from both agencies that is not confusing to companies who wish to utilize prerecorded messaging. We have been self-governing ourselves during our 7 year existence to make sure our clients are utilizing prerecorded messages in a positive customer centric manor that respects the customer by providing communications that are relevant and beneficial. Our data proves that our prerecorded messages are well accepted by our client's customers and at the same time are creating additional inbound United States center jobs to handle positive response from prerecorded messaging by existing customers across the country.

We would also like to address the Commissions concern regarding an increase of prerecorded messages when TSR is amended. Because our clients have been utilizing prerecorded messages for years prior to the TSR of October 2003 we feel strongly that you will see no change in the number of calls as there will have been nothing to warrant a change in the marketplace from pre-October 2003 until now. Industry as gradually utilized prerecorded messaging over the last decade and it's not likely at all that an amendment to the TSR will suddenly change-prerecorded messages gradual usage. Furthermore additional gradual usage and growth of prerecorded messaging is a positive effect and will only help strengthen the economy by increasing U.S. inbound call center jobs.

We are strongly in support of the FTC's proposed rule change regarding customers being able to get pre-recorded messages from businesses with which they have a relationship. We encourage the FTC to amend the TSR to allow for the use of prerecorded messages to existing customers, which will provide the growth of US call center jobs, and customer centric communications that benefit the consumer.

Positively,
Benjamin Jarecki
Partner

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